

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, October 20, 2015

PRESENT: Supervisors Frank R. Mecham, Bruce S. Gibson, Lynn Compton and Chairperson
Debbie Arnold

ABSENT: Supervisor Adam Hill

RESOLUTION NO. 2015-270

**FIFTH AMENDED RESOLUTION OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY
IN THE UNINCORPORATED AREA OF CAMBRIA**

The following fifth amended resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the "County") currently owns two irregularly shaped lots at 790 and 800 Cornwall Street ("Cornwall Street Property") totaling approximately 17,229 square feet of vacant land zoned Commercial Retail in Cambria, CA, Assessor's Parcel Numbers 022-123-003 and 022-123-022; and

WHEREAS, the Cornwall Street Property was acquired by the County on February 17, 2005 for the purpose of constructing a new Cambria library building; and

WHEREAS, the purchase of the Cornwall Street Property included 1.29 water equivalent dwelling units to serve the properties, and the assignment of the water units to the County was approved by the Cambria Community Services District; and

WHEREAS, on November 3, 2009, the County acquired another property, located at 1043 Main Street in Cambria, CA, that was improved with a new building that would serve as a new library at a lower cost than constructing a building on the Cornwall Street Property; and

WHEREAS, the Cornwall Street Property is no longer necessary for County use; and

WHEREAS, the County and the Friends of the Cambria Library ("Friends") entered into a Memorandum of Understanding, effective September 1, 2009 ("2009 MOU"), which was replaced by a new Memorandum of Understanding dated December 13, 2011 ("2011 MOU"), which was then terminated and replaced by a Second Memorandum of Understanding dated November 4, 2014 ("Second MOU"); and

WHEREAS, the Second MOU requires the sale of the Cornwall Street Property, with payment by the County of 50% of the net proceeds, less associated sales costs, to the Friends; and

WHEREAS, the County has given notices to other government agencies of the availability of these lots pursuant to Government Code Section 54220 et. seq. and no agencies expressed an interest in the property; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in

accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board's intention to surplus and sell said property; and

WHEREAS, Government Code Section 25527 provides that the Board may authorize the payment of a real estate commission to a real estate broker who is instrumental in obtaining a proposal; and

WHEREAS, the County Planning Director has determined that the County's disposition of the Cornwall Street Property is in conformity with the County's General Plan and said determination was filed with the County Planning Commission on October 24, 2013; and

WHEREAS, the County Environmental Coordinator has issued a Notice of Exemption from the California Environmental Quality Act, citing Categorical Exemption Section 15312 (a)(b)(2); and

WHEREAS, based on review of comparable sales and an appraisal of the properties, the Central Services Department recommended a minimum bid price of \$250,000; and

WHEREAS, a public auction was held on April 8, 2014 as authorized in Resolution #2014-5 dated January 7, 2014, and the County received no bids at the minimum bid price of \$250,000; and

WHEREAS, a second public auction was held on July 8, 2014 as authorized in the First Amended Resolution #2014-88 dated April 8, 2014, and the County received no offers at the minimum bid price of \$250,000; and

WHEREAS, a third public auction was held on October 7, 2014 at a reduced minimum bid price of \$210,000 as authorized in the Second Amended Resolution #2014-170 dated July 8, 2014, and the County received no bids; and

WHEREAS, a fourth public auction was held on January 13, 2015 at the minimum bid price of \$210,000 as authorized in the Third Amended Resolution #2014-274 dated October 7, 2014, and the County received no bids; and

WHEREAS, a fifth public auction was held on April 21, 2015 at the minimum bid price of \$210,000 as authorized in the Fourth Amended Resolution #2015-15 dated January 13, 2015, and the County received no bids, and

WHEREAS, based upon review and analysis of recent comparable sales data, additional market research, the Central Services Department recommends a minimum bid price of \$157,500 for the Cornwall Street Property; and

WHEREAS, it is in the public interest to surplus and sell these parcels.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code 25526 the Board finds the County owned lots which are located at 790 and 800 Cornwall Street, Cambria, California, Assessor's Parcel Numbers 022-123-003 and

022-123-022 ("Cornwall Street Property") and all interests to be deceded are not required for County use and declares its intent to surplus and sell the Cornwall Street Property to the highest qualified bidder, at a minimum bid of \$157,500.

2. This Board hereby sets January 19, 2016 at 1:30 PM, or as soon as possible thereafter, in the chamber of the County Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the Cornwall Street Property. Written sealed bids on the County's bid form must be submitted on or before January 18, 2016 at 5:00 PM to the County of San Luis Obispo, General Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408, ATTN: Real Property Manager.
3. In addition to the above, said sale shall be upon the following terms and conditions:
 - a. The minimum acceptable bid price for the Cornwall Property shall be no less than \$157,500 and shall be payable in cash through escrow.
 - b. A nonrefundable deposit of \$10,000 payable by cashier's check to the County of San Luis Obispo shall be required with the bid.
 - c. Escrow shall close within 45 days following acceptance of the bid by the County Board of Supervisors.
 - d. The Cornwall Property will be sold together in as-is condition, with no repairs or reports provided by the County except a preliminary title report.
 - e. No conditions of sale will be accepted, including financing conditions.
 - f. The sale will be subject to the Cambria Community Services District's approval of the assignment of County's Intent to Serve Letter for 1.29 water Equivalent Dwelling Units to purchaser, at the purchaser's sole cost, prior to the close of escrow.
 - f. Upon successful close of escrow, a real estate sales commission of three (3) percent of the selling price, or an amount as otherwise determined by California Government Code Section 25531 and 25532, shall be payable from the proceeds of sale to a selling licensed real estate broker who is instrumental in obtaining the offer to purchase, provided that the name of the broker and rate is identified at the time of the bid.
 - g. County and purchaser shall pay their own customary closing costs for San Luis Obispo County.
 - h. Title to the Cornwall Property shall be transferred in the form of a grant deed.
4. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell these real properties pursuant to Government Code Section 25526, with the resolution to be

posted by the Clerk pursuant to Government Code Section 25528, and the attached Notice of Intention to Sell to be published by the Clerk pursuant to Government Code 6063 in a newspaper of general circulation published in the County.

5. The net proceeds from this sale of the Cornwall Street Property shall be applied toward the purchase and improvement of the new Cambria library at 1043 Main Street in accordance with the Second Memorandum of Understanding between the Friends of the Cambria Library and the County of San Luis Obispo dated November 4, 2014, or as future amended.

Upon motion of Supervisor Mecham, seconded by Supervisor Gibson, and on the following roll call vote, to-wit:

AYES: Supervisors Mecham, Gibson, Compton and Chairperson Arnold

NOES: None

ABSENT: Supervisor Hill

ABSTAINING: None

The foregoing resolution is hereby adopted:

Debbie Arnold

Chairperson of the Board of Supervisors

ATTEST:

Tommy Gong

Clerk of the Board of Supervisors

By: Sandy Currans

Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

Rita L. Neal

County Counsel

BY: /s/Shannon G. Matuszewicz

Deputy County Counsel

DATE: October 6, 2015

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

I, **TOMMY GONG**, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on January 4, 2016

TOMMY GONG,

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By: Sandy Currans
Deputy Clerk

**NOTICE OF INTENTION TO SURPLUS AND SELL
COUNTY-OWNED REAL PROPERTY IN THE
UNINCORPORATED AREA OF CAMBRIA**

Notice is hereby given, pursuant to California Government Code section 6063 that the County of San Luis Obispo intends to sell two adjacent parcels at 790 and 800 Cornwall Street in Cambria totaling approximately 17,229 square feet of vacant land zoned Commercial Retail, Assessor's Parcel Numbers 022-123-003 and 022-123-022, to the highest bidder. The parcels will be sold together and will include an Intent-to-Serve Letter for 1.29 water Equivalent Dwelling Units (EDUs), subject to approval of the assignment of the Intent-to-Serve Letter by the Cambria Community Services District.

A written bid must be on the County's bid form. A bid form and a description of the parcels are available in the office of the County Central Services Department, 1087 Santa Rosa Street, San Luis Obispo, CA 93408. **The minimum bid price is set at \$157,500.** All sealed bid forms are due to the Central Services Department located at the above-referenced address on or before Monday, January 25, 2016 at 5:00 PM. The County Board of Supervisors intends to conduct an auction of said real property at a regular meeting of said Board occurring in the Board Chambers, New County Government Center, 1055 Monterey Street, San Luis Obispo, on Tuesday, January 26, 2016 at 1:30 PM, or as soon as possible thereafter. The sealed bid forms will be presented at the Board of Supervisors meeting and oral bids will be called for before the final acceptance of any proposal.

For information or to obtain a bid form, please call the County Real Property Manager at 805-781-5206 or fax to (805) 781-1364 or e-mail to sdragomir@co.slo.ca.us.

DATE: December 23, 2015

TOMMY GONG, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Sandy Currens,
Deputy Clerk-Recorder

"PLEASE TAKE NOTICE that the Board of Supervisors will act on the surplus and sale of the real property located at 900 Main Street, Cambria on JANUARY 26, 2016, not January 19, 2016. The date of the holding of the Board's regular meeting has been changed as the Board of Supervisors had not approved its 2016 Board of Supervisors Meeting Calendar at the time it acted on the attached "Second Amended Resolution of Intention to Surplus and Sell County-Owned Real Property in the Unincorporated Area of Cambria." The Board of Supervisors is not meeting on January 19, 2016 and, accordingly, the proposals will be received and considered at the Board's JANUARY 26, 2016 regular meeting. All sealed written bids are due by 5:00 PM on JANUARY 25, 2016, not January 15, 2016. All other terms and conditions of the October 20, 2015 adopted Resolution remain unchanged."